REMARKS

Reconsideration of the present application is respectfully requested. Claims 1-31 previously presented for examination remain in the application. No claims have been amended and no new claims have been added.

The drawings stand objected to. In particular, it is considered that Figure 5 should be designated by a legend such as --Prior Art-- because only that which is old is illustrated.

Applicants have amended Figure 5 to include instructions 540 as indicated to clarify that Figure 5 includes more than the Prior Art.

Support for this amendment may be found, for example, at page 14, beginning at line 14 where it is stated in the specification as filed that "Memory 530 can store instructions for performing the execution of the various method embodiments of the present invention such as methods 200, 300 and 400 (**Figures 2-4**).

An associated amendment to the specification has also been made to indicate reference number 540 in association with the instructions for performing the execution of the various method embodiments.

Based on the foregoing, applicants respectfully submit that Figure 5 of the Drawings illustrates an embodiment of the invention and therefore, should not be designated with the legend "Prior Art."

Claims 1, 14 and 29 stand rejected under 35 U.S.C. § 102(e) as being considered to be anticipated by U.S. Patent 6,131,166 to Wong-Insley ("Wong-Insley").

Claim 1 includes the limitations

> monitoring utilization of a platform device by one or more virtual machines; and

managing power consumption of the platform device based on the monitoring.

(Claim 1)(emphasis added)

Applicants respectfully submit that Wong-Insley fails to teach at least the claimed feature of monitoring utilization of a platform device by one or more virtual machines as set forth in claim 1.

Wong-Insley discloses a system and method for cross-platform application-level power management. According to Wong-Insley, a framework is disclosed for the development of applications that manage the power resources and power states of power-manageable computer system and attached devices. For one aspect, the power management framework comprises a plurality of Java™ APIs that are part of the Java™ Platform such that the framework can be executed on different computing platforms, operating systems and computer hardware. The APIs include a system-level programming interface to obtain a current system power state and influence the current system power state, a notification programming interface to permit Java™ applications to be notified regarding transitions from one system power state to another, an exception programming interface that permits Java™ applications to be notified regarding errors in power management and a device-level programming interface that permits Java applications to obtain a current device power state and influence the current device power state. (see e.g. Wong-Insley, Abstract).

In contrast, claim 1 sets forth an approach in which one or more virtual machines monitor utilization of a platform device and power consumption is then managed based on the monitoring.

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Wong-Insley does not teach or suggest monitoring device utilization with a virtual machine.

For at least this reason, claim 1 cannot be considered to be anticipated by Wong-Insley.

Independent claims 14, 17 and 29 include a similar limitation to that argued above in reference to claim 1. Claims 2-13, claims 15-16, claims 18-28 and claims 30-31 depend from and further limit claims 1, 14, 17 and 29, respectively.

Thus, claims 2-31 should also be found to be patentably distinguished over Wong-Insley for at least the same reasons.

Claims 2-13, claims 15-28 and claims 30-31 stand rejected under 35 U.S.C. § 103(a) as being considered unpatentable over Wong-Insley in view of U.S. Patent No. 5,752,046 to Oprescu et al. ("Oprescu").

Claims 1-31 are patentably distinguished over Wong-Insley for the reasons discussed above in reference to claim 1.

The combination of Oprescu with Wong-Insley does not remedy this deficiency.

Oprescu discloses a power management system for a computer device interconnection bus. According to Oprescu, the power management system tracks the total amount of power drawn from a bus by devices connected to the bus itself, based on the individual operational status of each device. (see e.g. Oprescu, Abstract).

Oprescu does not teach or suggest monitoring device utilization with a virtual machine.

Therefore, a combination of Oprescu with Wong-Insley also would fail to teach or suggest the claimed features of Applicants' invention.

For at least this reason, claims 1-31 are patentably distinguished over Wong-Insley alone or in combination with Oprescu.
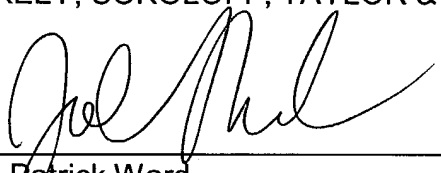
Based on the foregoing, applicants respectfully submit that the applicable objections and rejections have been overcome, and claims 1-31 are in condition for allowance. If the Examiner disagrees or believes that further discussion will expedite prosecution of this case, the examiner is invited to telephone applicants' representative at the number indicated below.

If there are any charges, please charge Deposit Account No. 02-2666.

Respectfully submitted,

BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP

Dated: <u>August 20, 2004</u>

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Attachments

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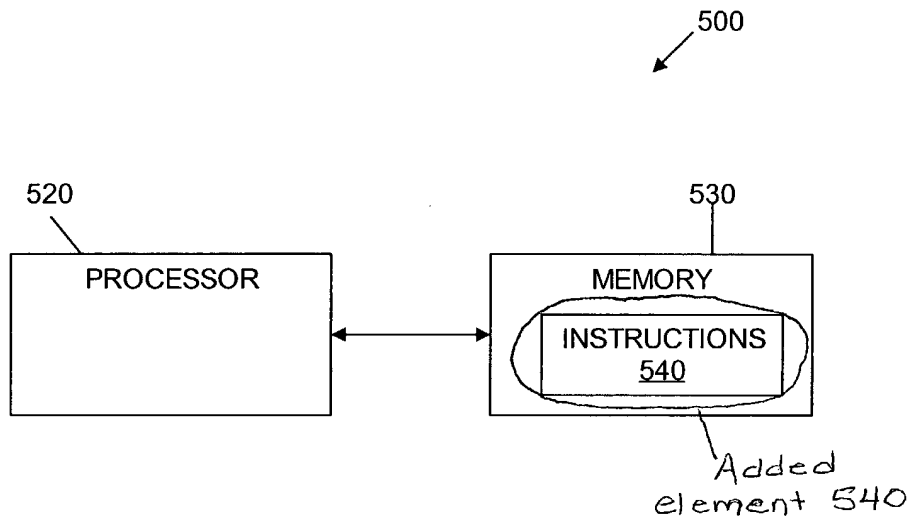
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        PROCESSOR                    MEMORY

                               INSTRUCTIONS
                                   540
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Added
element 540

FIG. 5